

1      **MANNING LAW OFFICE  
A PROFESSIONAL CORPORATION**

2      Joseph R. Manning, Jr., Esq. (State Bar No. 223381)  
3      Michael J. Manning, Esq. (State Bar No. 286879)  
4      Phillip B. Nghiem, Esq. (State Bar No. 291525)  
5      4667 MacArthur Boulevard, Suite 150  
6      Newport Beach, CA 92660  
7      PH: (949) 200-8755  
8      FX: (866) 843-8308

9      Attorneys for Plaintiff: George Mani

10     **UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

11     George Mani, an individual

12     Plaintiff,

13     vs.

14     Law Office of Harris & Zide,  
15     Bank of America, N.A. and Does  
16     1 through 5

17     Defendants.

18     Case No.: \_\_\_\_\_

19     **COMPLAINT FOR VIOLATION  
OF:**

1. **THE FAIR DEBT  
COLLECTION PRACTICES  
ACT, 15 U.S.C. § 1692, ET  
SEQ.**
2. **The ROSENTHAL FAIR  
DEBT COLLECTION  
PRACTICES ACT, CAL. CIV.  
CODE §§ 1788-1788.32**

20     **JURY TRIAL DEMANDED**

21     **Introduction**

22     1. This action seeks redress for the abusive practice committed by Defendant,  
23     the Law Office of Harris and Zide and Bank of America, N.A. in

24     **COMPLAINT FOR DAMAGES**

1 connection with their efforts to collect a debt. Defendants' conduct  
2 involves filing a legal action against Plaintiff in a judicial district that he  
3 has never resided.  
4

5 2. Filing in a venue that a consumer has never resided is a common device  
6 used by debt collectors to harass consumers and force them to expend costs  
7 to defend themselves in an inconvenient forum.  
8

9 **Jurisdiction**

10 3. This Court has jurisdiction to hear the Fair Debt Collection Practices Act  
11 violations pursuant to Section 1692 of Title 15 of the United States Code;  
12 thus, federal subject matter jurisdiction is properly founded upon Section  
13 1331 of Title 28 of the United States Code.  
14

16 4. This Court also has jurisdiction over the California Rosenthal Fair Debt  
17 Collection Practices Act violations pursuant to 28 U.S.C. § 1367 for  
18 supplemental state law claims.  
19

20 5. Because the Law Office of Harris & Zide and Bank of America, N.A. does  
21 business within the State of California, personal jurisdiction is established.  
22

23 6. Venue is proper in the United States District Court for the Northern  
24 District of California pursuant to 28 U.S.C. § 1391(b)-(c) because Plaintiff  
25 resides within the Richmond, County of Contra Costa, a substantial part of  
26

---

27 **COMPLAINT FOR DAMAGES**

the events giving rise to Plaintiff's claims occurred in this district..

## Parties

7. Plaintiff George Mani is a citizen and resident of Richmond, Contra Costa County, California. Plaintiff is also a consumer as defined by 15 U.S.C. § 1692a(3) since Plaintiff is obligated or allegedly obligated to pay a consumer debt.
8. Defendant the Law Office of Harris & Zide is a limited liability partnership with its principal place of business in Pasadena, County of Los Angeles, California.
9. Defendant the Law Office of Harris & Zide is a debt collector as defined by 15 U.S.C. § 1692a(6) since it collects consumers debts on behalf of others.
10. Defendant Bank of American, N.A. is a national bank association with its principal place of business located in Charlotte, North Carolina. At all times material hereto, Bank of America, N.A. was a corporation registered to do and doing business in the State of California.
11. Defendant Bank of American, N.A. is a debt collector as defined by California Civil Code § 1788.2(c) since in the ordinary course of business, it regularly, on behalf of itself, engages in debt collection.

111

## **COMPLAINT FOR DAMAGES**

### **Factual Allegations**

12. At all times material hereto Defendant the Law Office of Harris & Zide  
acted on behalf of, at the direction of, and in association with Defendant  
Bank of America, N.A. As such, Defendant Bank of America, N.A. is  
liable for violations committed by Defendant the Law Office of Harris &  
Zide. See Fox v. Citicorp Credit Services 15 F.3d 1507, 1516 ([W]e must  
conclude that Congress intended the actions of an attorney to be imputed to  
the client on whose behalf they are taken”).

13. On April 20, 2015, Defendant Harris & Zide—acting on behalf of, at the direction of, and in association with Defendant Bank of America, N.A. — filed a lawsuit against Plaintiff in the Superior Court of Orange County, State of California under case number 30-2015-00783477-CL-CL-CJC” (the “Action”) (a copy of the summons and complaint is attached hereto as **Exhibit A** and incorporated herein by reference).

14. Plaintiff has never resided in Orange County, California and at the time  
Defendant filed the action, Plaintiff resided in Richmond, California in the  
County of Contra Costa.

15. Defendant's purpose in filing the Action in Orange County was to harass Plaintiff and impose an unreasonable burden by forcing him to expend

costs to defend the Action in a distant and inconvenient forum.

## CAUSES OF ACTION

## **FIRST CAUSE OF ACTION**

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT  
15 .S.C. §§ 1692-1692(p) (FDCPA) AS TO DEFENDANT THE LAW  
OFFICE OF HARRIS & ZIDE**

16. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.

17. FDCPA section 15 U.S.C. 1692(i)(a)(2), states that “[a]ny debt collector who brings any legal action on a debt against any consumer shall:

(1) in the case of an action to enforce an interest in real property securing the consumer's obligation, bring such action only in a judicial district or similar legal entity in which such real property is located; or

(2) in the case of an action not described in paragraph (1), bring such action *only in the judicial district* or similar legal entity—

(A) in which *such consumer signed the contract* sued upon; or

(B) in which *such consumer resides at the commencement of the action.* (emphasis added)

18. Defendant violated the foregoing provisions of the FDCPA by filing the

## **COMPLAINT FOR DAMAGES**

1 Action in a judicial district where Plaintiff did not enter into any sort of  
2 contract with defendant nor resided at the commencement of the Action.  
3

4 19. Furthermore, this violation of the FDCPA is willful and done with malice  
5 in order to harass Plaintiff into doing whatever is necessary pay the debt to  
6 avoid having to defend the Action in a distant forum.  
7

8 20. Plaintiff is therefore entitled to an award of statutory damages, legal fees,  
9 and actual damages, which include the cost of defending the Action.  
10

11 **SECOND CAUSE OF ACTION**  
12 **VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION**  
13 **PRACTICES ACT**  
14 **CAL.CIV.CODE §§ 1788-1788.32 (RFDCPA) AS TO DEFENDANT BANK**  
15 **OF AMERICA, N.A.**

16 21. Plaintiff incorporates by reference all of the paragraphs of this Complaint  
17 as though fully stated herein.  
18

19 22. The Second Cause of Action is based on Defendant Bank of America,  
20 N.A.'s status as the controller of Defendant The Law Office of Harris &  
21 Zide and Cal.Civ. Code § 1788.17 of the RFDCPA, which incorporates  
22 Section 15 U.S.C. 1692(i)(a)(2) of the FDCPA.  
23

24 23. A violation of 15 U.S.C. 1692(i)(a)(2) is therefore a violation of the  
25 RFDCPA. And, since Defendant the Law Office of Harris & Zide acted on  
26 behalf of, at the direction of, and in association with Defendant Bank of  
27

---

28 **COMPLAINT FOR DAMAGES**

1 America, N.A., Defendant Bank of America, N.A. is vicariously liable  
2 under Cal.Civ. Code § 1788.17 for Defendant The Law Office of Harris  
3 and Zide's decision to file the Action in an improper venue.  
4

5 24. Plaintiff is therefore entitled to an award of statutory damages, legal fees,  
6 and actual damages, which include the cost of defending the Action.  
7

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays that judgment be entered against  
10 Defendants for:

11 A) An award of Statutory damages of \$1,000 to Plaintiff pursuant to  
12 15 U.S.C. § 1692k;  
13  
14 B) An award of reasonable attorneys fees and costs to Plaintiff  
15 pursuant to 15 U.S.C. § 1692k;  
16  
17 C) An award of actual damages pursuant to 15 U.S.C. § 1692k;  
18  
19 D) An award of actual damages pursuant to Cal.Civ. Code §  
20 1788.30(a) of the Rosenthal Act;  
21  
22 E) An award of statutory damages of \$1,000.00 pursuant to Cal.Civ.  
23 Code § 1788.30(b) of the Rosenthal Act;  
24  
25 F) An award of costs of litigation and reasonable attorney's fees  
26 pursuant to Cal.Civ. Code § 1788.30(c) of the Rosenthal Act;  
27

28 **COMPLAINT FOR DAMAGES**

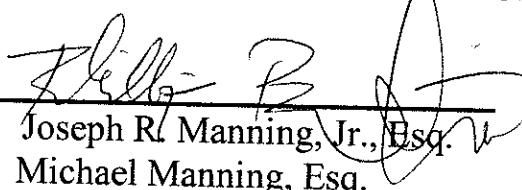
1                   G) Any and all other relief that the Court deems just and proper.  
2  
3

4                   **TRIAL BY JURY**

5                   Pursuant to the Seventh Amendment to the Constitution of the United  
6                   States of America, Plaintiff is entitled to, and does hereby demand, a trial by jury.

7  
8                   Dated:     October 21, 2015  
9  
10

11                   **MANNING LAW OFFICE  
12                   A PROFESSIONAL CORPORATION**

13                   By: 

14                   Joseph R. Manning, Jr., Esq.  
15                   Michael Manning, Esq.  
16                   Phillip B. Nghiem, Esq.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28                   **COMPLAINT FOR DAMAGES**

**EXHIBIT A**

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**  
GEORGE S MANI

**DOES 1 TO 5, INCLUSIVE  
YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
BANK OF AMERICA, N.A.

SUM-100

ELECTRONICALLY FILED  
Superior Court of California,  
County of Orange

04/20/2015 at 06:55:40 PM  
Clerk of the Superior Court  
By Robert Renison, Deputy Clerk

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/zselfhelp](http://www.courtinfo.ca.gov/zselfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/zselfhelp](http://www.courtinfo.ca.gov/zselfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **[AVISO] Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lee la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pídale al secretario de la corte que le dé un formulario de extensión de pago de cuotida. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que fame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de revisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a restimar las cuotas y los costos excesivos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje, en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: **SUPERIOR COURT OF CALIFORNIA,  
(El nombre y dirección de la corte es): ORANGE COUNTY  
700 W. CIVIC CENTER DR., RM K-1  
SANTA ANA CA 92701  
CENTRAL JUSTICE CENTER**

CASE NUMBER:  
*(Número del Caso)* 3D-2015-00783477-CL-CL-CJC

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: **626-799-8444  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
FLINT C. ZIDE, STATE BAR NO. 160369  
LAW OFFICE OF HARRIS AND ZIDE, 1445 HUNTINGTON DR., #300, SOUTH PASADENA, CA 91030  
DATE: 04/20/2015 ALAN CARLSON, Clerk of the Court Clerk, by \_\_\_\_\_ Deputy  
(Fecha) (Secretario) *Robert Renison* (Adjunto)**

**(For proof of service of this summons, use Proof of Service of Summons (Form POS-010).  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).**

**Robert Renison**

**NOTICE TO THE PERSON SERVED:** You are served

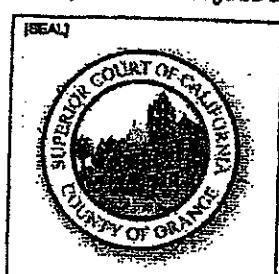
1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify):  
 under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
4.  by personal delivery on (date):

Form Adopted for Mandatory Use  
Judicial Council of California  
SUM-100 Rev. July 1, 2009

**SUMMONS**

Page 1 of 1  
Code of Civil Procedure §§ 412.20, 465  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

American LegalNet, Inc.  
[www.FormsWorldwide.com](http://www.FormsWorldwide.com)



<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>FLINT C. ZIDE</b>  <b>LAW OFFICE OF HARRIS &amp; ZIDE</b>  <b>1445 HUNTINGTON DR., SUITE 300/STATE BAR NO. 160369</b>  <b>1445 HUNTINGTON DRIVE, SUITE 300</b>  <b>SOUTH PASADENA, CA 91030</b>  <b>TELEPHONE NO: 626-799-8444 FAX NO. (Optional): 626-799-8419</b></p> <p>EMAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b>  STREET ADDRESS: <b>700 W. CIVIC CENTER DR, RM K-1</b>  MAILING ADDRESS:  CITY AND ZIPCODE: <b>SANTA ANA CA 92701</b>  BRANCH NAME: <b>CENTRAL JUSTICE CENTER</b></p> <p>PLAINTIFF: <b>BANK OF AMERICA, N.A.</b></p> <p>DEFENDANT: <b>GEORGE S MANI</b></p> <p><input checked="" type="checkbox"/> DOES 1 TO 5, INCLUSIVE</p>	<p style="text-align: right;"><b>PLD-C-001</b></p> <p style="text-align: right;">FOR COURT USE ONLY</p> <p><b>ELECTRONICALLY FILED</b>  Superior Court of California,  County of Orange  04/26/2015 at 08:55:40 PM  Clerk of the Superior Court  By Robert Renison, Deputy Clerk</p>
--	--

**CONTRACT** COMPLAINT       AMENDED COMPLAINT (Number): CROSS-COMPLAINT     AMENDED CROSS-COMPLAINT (Number):

## Jurisdiction (check all that apply):

 ACTION IS A LIMITED CIVIL CASEAmount demanded  does not exceed \$10,000

CASE NUMBER: 30-2015-00793477-CL-CL-CJC

 exceeds \$10,000, but does not exceed \$25,000 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) ACTION IS RECLASSIFIED by this amended complaint or cross-complaint from limited to unlimited from unlimited to limited

1. Plaintiff (name or names): **BANK OF AMERICA, N.A.**

alleges causes of action against defendant (name or names): **GEORGE S. MANI**

2. This pleading, including attachments and exhibits, consists of the following number of pages: **5**

3. a. Each plaintiff named above is a competent adult

 except plaintiff (name): **BANK OF AMERICA, N.A.**(1)  a corporation qualified to do business in California(2)  an unincorporated entity (describe):(3)  other (specify): **NATIONAL ASSOCIATION**

b.  Plaintiff (name):

a.  has complied with the fictitious business name laws and is doing business under the fictitious name (specify):b.  has complied with all licensing requirements as a licensed (specify):

c.  Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person

 except defendant (name): except defendant (name):(1)  a business organization, form unknown(1)  a business organization, form unknown(2)  a corporation(2)  a corporation(3)  an unincorporated entity (describe):(3)  an unincorporated entity (describe):(4)  a public entity (describe):(4)  a public entity (describe):(5)  other (specify):(5)  other (specify):

SHORT TITLE BANK OF AMERICA, N.A. VS. GEORGE S MANI	CASE NUMBER PLD-C-001
--	--------------------------

4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

(1)  Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of the named defendants and acted within the scope of that agency or employment.

(2)  Doe defendants (specify Doe numbers): \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.

c.  Information about additional defendants who are not natural persons is contained in Attachment 4c.

d.  Defendants who are joined under Code of Civil Procedure section 382 are (names):

5.  Plaintiff is required to comply with a claims statute, and

a.  has complied with applicable claims statutes, or

b.  is excused from complying because (specify):

6.  This action is subject to  Civil Code section 1812.10  Civil Code section 2984.4.

7. This court is the proper court because

a.  a defendant entered into the contract here.

b.  a defendant lived here when the contract was entered into.

c.  a defendant lives here now.

d.  the contract was to be performed here.

e.  a defendant is a corporation or unincorporated association and its principal place of business is here.

f.  real property that is the subject of this action is located here.

g.  other (specify): CCP 3.95. (B)

8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

Breach of Contract

Common Counts

Other (specify):

9.  Other allegations:

10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

a.  damages of: \$12,176.77

b.  interest on the damages

(1)  according to proof

(2)  at the rate of (specify): percent per year from (date):

c.  attorney's fees

(1)  of: \$

(2)  according to proof.

d.  other (specify):

SUCH OTHER RELIEF AS THE COURT DEEMS PROPER.

11.  The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):  
1, 4, 7

Date: February 24, 2015

FLINT C. ZIDE

(TYPE OR PRINT NAME)

(If you wish to verify this pleading, affix a verification.)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-C-001 [Rev. January 1, 2007]

COMPLAINT—Contract

PLD-C-021(2)

SHORTTITLE: BANK OF AMERICA, N.A. VS. GEORGE S MANI	CASE NUMBER:
---	--------------

FIRST  
(cont'd) CAUSE OF ACTION—Common CountsATTACHMENT TO  Complaint  Cross -Complaint  
(Use a separate cause of action form for each cause of action.)

CC-1 Plaintiff's name: BANK OF AMERICA, N.A.

alleges that defendant (name): GEORGE S MANI  
became indebted to  plaintiff  other (name):a.  within the last four years

(1)  on an open book account for money due.  
 (2)  because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff.

b.  within the last:  two years  four years

(1)  for money had and received by defendant for the use and benefit of plaintiff.  
 (2)  for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff.

 the sum of \$ \_\_\_\_\_ the reasonable value. for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff. the sum of \$ \_\_\_\_\_ the reasonable value. for money lent by plaintiff to defendant at defendant's request. for money paid, laid out, and expended to or for defendant at defendant's special instance and request. other (specify): \_\_\_\_\_

CC-2. \$ \_\_\_\_\_

plus prejudgment interest  according to proof  at the rate of \_\_\_\_\_ percent per year  
from (date): \_\_\_\_\_CC-3.  Plaintiff is entitled to attorney fees by an agreement or a statute

of \$ \_\_\_\_\_  
 according to proof.

CC-4.  Other: \$12,176.77, WHICH IS THE FIXED AND AGREED AMOUNT, IS DUE AND UNPAID  
DESPITE PLAINTIFF'S DEMAND.Page 3

SHORT TITLE: BANK OF AMERICA, N.A. VS. GEORGE S. MANI	CASE NUMBER: PLD-C-001(1)
---	------------------------------

SECOND (numbered) CAUSE OF ACTION—Breach of Contract

ATTACHMENT TO  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

BC-1. Plaintiff (name): BANK OF AMERICA, N.A.

alleges that on or about (date): JULY 29, 2004

a  written  oral  other (specify):

agreement was made between (name parties to agreement): BANK OF AMERICA, N.A. & GEORGE S. MANI

A copy of the agreement is attached as Exhibit A, or

The essential terms of the agreement  are stated in Attachment BC-1.  are as follows (specify):  
PLAINTIFF, OR PLAINTIFF'S PREDECESSOR IN INTEREST, EXTENDED INTO A WRITTEN AGREEMENT WITH DEFENDANT(S). FOR THE ACCOUNT ENDING IN 5252, WHEREBY CREDIT WOULD BE EXTENDED BY PLAINTIFF TO DEFENDANT(S), SERVICES RENDERED, GOODS PROVIDED AND SERVICES WOULD BE PROVIDED, AND/OR MONEY WOULD BE EXTENDED AT DEFENDANT'S REQUEST. IN CONSIDERATION, DEFENDANT(S) PROMISED TO REPAY PLAINTIFF THE SUMS ADVANCED.

BC-2. On or about (date): MAY 31, 2013

defendant breached the agreement by  the acts specified in Attachment BC-2.  the following acts (specify): DEFENDANT(S) FAILED TO REPAY THE SUMS DUE UNDER THE AGREEMENT.

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement  
 as stated in Attachment BC-4.  as follows (specify): \$12,176.77.

BC-5.  Plaintiff is entitled to attorney fees by an agreement or a statute  
 of \$  
 according to proof.

BC-6.  Other:

DECLARATION OF JURISDICTIONAL FACTS

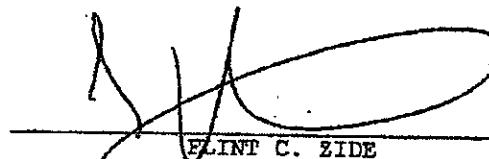
The undersigned declares that he/she is authorized to make this declaration for and on behalf of the plaintiff herein. Pursuant to Civil Procedure Sections 395 and 396(a), the above entitled court is the proper court for the trial of the above entitled action because:

One of the defendants resides within the jurisdiction of the above entitled court at the commencement of this action.

Goods or services or loans were provided within the jurisdiction of the above entitled court.

I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct.

Executed February 24, 2015 at South Pasadena, California.



ELINT C. ZIDE

DECLARATION OF JURISDICTIONAL FACTS

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange

04/20/2015 at 08:55:40 PM -  
Clerk of the Superior Court  
by Robert Renison, Deputy Clerk

CENTRAL ORANGE COUNTY MUNICIPAL COURT

**SEPARATE STATEMENT OF VENUE**

CASE NAME: BANK OF AMERICA N.A. VS. GREGORY S.

CASE NO.: 30-2015-00783477-CI-CI-CI-CI

**PLAINTIFF'S ATTORNEY:** FLINT C. WIDMER

Please check ONE of the following statements to indicate the basis for your filing of the Complaint in this Judicial District and fill in the address.

1. Cause of Action arose in this judicial district. Address of the cause of action is:

**Street** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip Code** \_\_\_\_\_

2. Property located in this judicial district. The address of the property is

**Street** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip Code** \_\_\_\_\_

3. Tort occurred in this judicial district. The address of the tort is:

**Street (if known)** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip Code** \_\_\_\_\_

4. - Contact entered into or to be performed in this judicial district. The address where contact entered into or to be performed is:

**Street (if known)** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip Code** \_\_\_\_\_

X 5. Defendant resides in this judicial district. The address of the defendant is \_\_\_\_\_.

4667 MACARTHUR BLVD STE 150 WOODLAND PARK, NJ 07428

**STREET** **CITY** **ZIP CODE**

I am aware that Central Orange County Municipal court Rule 46 is a Court order requiring parties or their attorneys to file civil matters only with proper venue in Central Orange County Municipal Court. I further understand that sanctions may be imposed on me for court costs if I have improperly filed this case in the Central Orange County Municipal Court District. C.R.C. 227 and 228, P. Section 177.5.

FLINT C. ZIDE Signature of Plaintiff  
or Plaintiff's Attorney  
LAW OFFICE OF HARRIS AND ZIDE

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY (State Bar number, if applicable)</b> FLINT C. ZIDE LAW OFFICE OF HARRIS & ZIDE 1445 HUNTINGTON DR., SUITE 300/STATE BAR NO. 160369 1445 HUNTINGTON DRIVE, SUITE 300 SOUTH PASADENA, CA 91030 TELEPHONE NO. 626-799-8444 FAX NO. 626-799-8419 ATTORNEY FOR PLAINTIFF		CM-010
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> STREET ADDRESS: 700 W. CIVIC CENTER DR, RM K-1 MAILING ADDRESS: CITY AND ZIP CODE: SANTA ANA CA 92701 BRANCH NAME: CENTRAL JUSTICE CENTER CASE NAME: BANK OF AMERICA, N.A. VS. GEORGE S MANI		<small>FOR COURT USE ONLY</small> <b>ELECTRONICALLY FILED</b> Superior Court of California, County of Orange 04/20/2015 at 08:55:40 PM Clerk of the Superior Court By Robert Renison, Deputy Clerk
<b>CIVIL CASE COVER SHEET</b> <input type="checkbox"/> Unlimited <input checked="" type="checkbox"/> Limited (Amount demanded exceeds \$25,000)      (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 3D-2015-00783477-CL-CL-CJC JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)

Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)

Product liability (24)

Medical malpractice (45)

Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)

Civil rights (08)

Defamation (13)

Fraud (16)

Intellectual property (19)

Professional negligence (25)

Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)

Other employment (15)

Contract

Breach of contract/warranty (08)

Rule 3.740 collections (09)

Other collections (09)

Insurance coverage (18)

Other contract (37)

Real Property

Eminent domain/inverse condemnation (34)

Wrongful eviction (33)

Other real property (26)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38)

Judicial Review

Asset forfeiture (05)

Petition re: arbitration award (11)

Writ of mandate (02)

Other judicial review (39)

Provisionally Complex Civil Litigation

(Cal. Rules of Court, rules 3.400-3.403)

Antitrust/trade regulation (08)

Construction defect (10)

Mass tort (40)

Securities litigation (28)

Environmental/Toxic tort (30)

Insurance coverage claims arising from the above-listed provisionally complex case types (11)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)

Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)

Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a.  Large number of separately represented parties      d.  Large number of witnesses  
b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve      e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court

c.  Substantial amount of documentary evidence      f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): 2

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 24, 2015

FLINT C. ZIDE

(TYPE OR PRINT NAME)

(3) NATURE OF PARTY OR ATTORNEY FOR PARTY

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

### INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause(s) of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties In Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages; (2) punitive damages; (3) recovery of real property; (4) recovery of personal property; or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties In Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

### CASE TYPES AND EXAMPLES

<b>Auto Tort</b>	<b>Contract</b>	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)</b>
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (08)	Antitrust/Trade Regulation (03)
Uninsured Motorist (48) ( <i>If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i> )	Breach of Rental Lease	Construction Defect (10)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death)	Contract ( <i>not involving detainer or wrongful eviction</i> )	Claims Involving Mass Tort (40)
Tort	Contract/Warranty Breach—Seller Plaintiff ( <i>not fraud or negligence</i> )	Securities Litigation (28)
Asbestos (04)	Negligent Breach of Contract	Environmental/Toxic Tort (30)
Asbestos—Property Damage	Warranty	Insurance Coverage Claims
Asbestos—Personal Injury	Other Breach of Contract/Warranty	<i>(arising from provisionally complex case type listed above)</i> (41)
—Wrongful Death	Collections (e.g., money owed, open book accounts) (09)	<b>Enforcement of Judgment</b>
Product Liability ( <i>not asbestos or toxic/environmental</i> ) (24)	Collection Case—Seller Plaintiff	Enforcement of Judgment (20)
Medical Malpractice (45)	Other Promissory Note/Collections Case	Abstract of Judgment (Out of County)
Medical Malpractice—Physicians & Surgeons	Insurance Coverage ( <i>not provisionally complex</i> ) (18)	Confession of Judgment (non-domestic relations)
Other Professional Health Care Malpractice	Auto Subrogation	Sister State Judgment
Other PI/PD/WD (23)	Other Coverage	Administrative Agency Award (not based on taxes)
Premises Liability (e.g., slip and fall)	Other Contract (37)	Petition/Certification of Entry of Judgment on Unpaid Taxes
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Contractual Fraud	Other Enforcement of Judgment Case
Intentional Infliction of Emotional Distress	Other Contract Dispute	<b>Miscellaneous Civil Complaint</b>
Negligent Infliction of Emotional Distress	Real Property	RICO (27)
Other PI/PD/WD	Eminent Domain/Inverse Condemnation (14)	Other Complaint ( <i>not specified above</i> ) (42)
Non-PI/PD/WD (Other) Tort	Wrongful Eviction (33)	Declaratory Relief Only
Business Tort/Unfair Business Practice (07)	Other Real Property (e.g., quiet title) (26)	Injunctive Relief Only ( <i>non-harmless</i> )
Civil Rights (e.g., discrimination, false arrest) ( <i>not civil harassment</i> ) (08)	Writ of Possession of Real Property	Mechanics Lien
Defamation (e.g., slander, libel) (13)	Mortgage Foreclosure	Other Commercial Complaint Case ( <i>non-tort/non-complex</i> )
Fraud (16)	Quiet Title	Other Civil Complaint ( <i>non-tort/non-complex</i> )
Intellectual Property (18)	Other Real Property ( <i>not eminent domain, landlord/tenant, or foreclosure</i> )	<b>Miscellaneous Civil Petition</b>
Professional Negligence (25)	Unlawful Detainer	Partnership and Corporate Governance (21)
Legal Malpractice	Commercial (31)	Other Petition ( <i>not specified above</i> ) (43)
Other Professional Malpractice ( <i>not medical or legal</i> )	Residential (32)	Civil Harassment
Employment	Drugs (38) ( <i>If the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i> )	Workplace Violence
Wrongful Termination (36)	Judicial Review	Elder/Dependent Adult Abuse
Other Employment (15)	Asset Forfeiture (05)	Election Contest
	Petition Re: Arbitration/Award (11)	Petition for Name Change
	Writ of Mandamus (02)	Petition for Relief from Late Claim
	Writ—Administrative Mandamus	Other Civil Petition
	Writ—Mandamus on Limited Court Case	
	Case Mover	
	Writ—Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal—Labor Commissioner Appeals	

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq., as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/fac/pac/PC08SLDR.htm>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

#### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1). Prior to 2010 only some of the active duty periods (less than 30 consecutive days in length) were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

#### Coverage Under the SCRA Is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

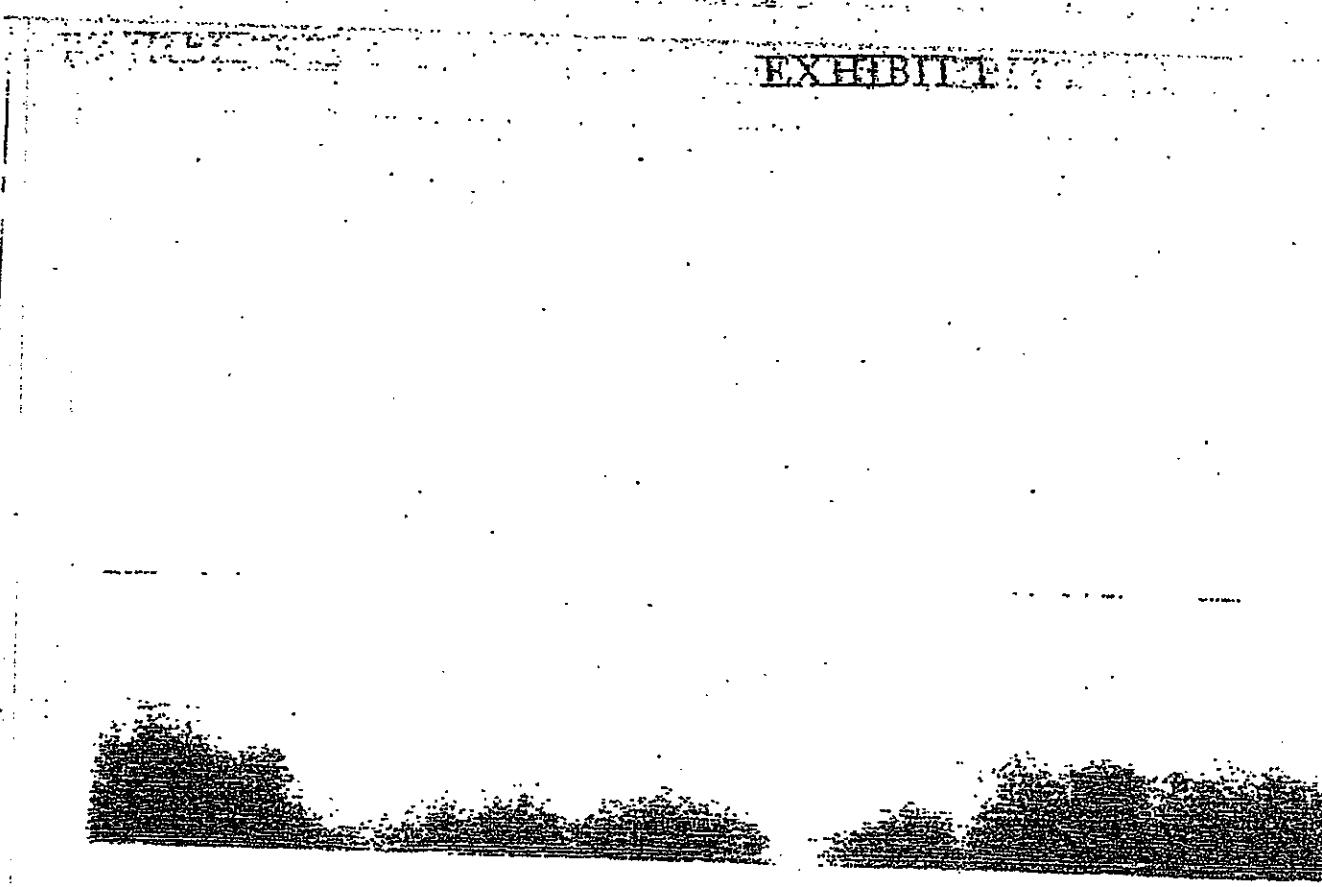
Many times, orders are intended to expand the period of active-duty, which would extend SCRA protections. Persons seeking to rely on this website certifying should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last date of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requestor. Providing erroneous information will cause an inaccurate certificate to be provided.

Certificate ID: I24BL8AES1C5G60

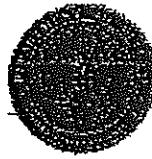
**EXHIBIT E**



Department of Defense Manpower Data Center

Results as of: Feb-12-2015 04:58:42 PM

SCRA 3.D



Status Report  
Pursuant to Servicemembers Civil Relief Act

Last Name: MANI  
First Name: GEORGE  
Middle Name: S  
Active Duty Status As Of: Feb-12-2015

NA	NA	NA
This response reflects whether the individual has been ordered to report for active duty.		
NA	NA	NA
This response reflects whether the individual has been ordered to report for active duty.		
NA	NA	NA
This response reflects whether the individual has been ordered to report for active duty.		

Upon searching the data banks of the Department of Defense Manpower Data Center, we find the information that you provided; the above is the status of the individual on the active duty status data as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and the Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22285

1 FLINT C. ZIDE  
2 THE LAW OFFICE OF HARRIS & ZIDE  
3 STATE BAR NUMBERS 160369  
4 1445 HUNTINGTON DRIVE, SUITE 300  
5 SOUTH PASADENA, CA 91030  
6 (626) 799-8444 FAX: (626) 799-8419  
7 ATTORNEY FOR: PLAINTIFF

ELECTRONICALLY FILED  
Superior Court of California,  
County of Orange  
04/20/2015 at 08:55:40 PM  
Clerk of the Superior Court  
By Robert Renison, Deputy Clerk

6 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
7 CENTRAL JUSTICE CENTER, CIVIL LIMITED DIVISION  
8

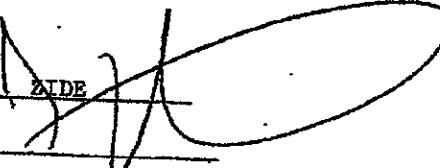
9 BANK OF AMERICA, N.A. ) CASE NO: 30-2015-00783477-CL-CL-CJC  
10 vs. ) DECLARATION OF NON-MILITARY  
11 ) STATUS  
12 GEORGE S MANI )  
13 DEFENDANT(S) )

14 I, FLINT C. ZIDE, hereby declare:  
15

16 1. I am over 18 years old and the attorney for Plaintiff.  
17 2. No defendant named in Item 1, line 2 of the Complaint is in the military  
18 service so as to be entitled to the benefits of the Servicemembers Civil  
19 Relief Act (50 U.S.C. App. 501 et seq.) as evidenced by the Department of  
20 Defense SCRA certificate attached as Exhibit 1.  
21 3. I declare under the penalty of perjury under the laws of California that  
22 the foregoing is true and correct and if called as a witness I would  
23 competently testify, under oath, thereto.

24  
25 Dated: February 24, 2015

26 Declarant Name (Printed) FLINT C. ZIDE

27 Declarant Name (Signature) 

28 Title of Declarant ATTORNEY OF PLAINTIFF